

Appl. No. 10/647,521

Attorney Docket No. 10541-1832

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claim 1 has been amended. No claims have been cancelled or added.

After entering this amendment, claims 1-8, 11 and 12 remain pending.

Claim Objections

Claims 2 and 5 were objected to because of informalities. Claims 2 and 5 have been amended to remove these informalities. Accordingly, it is believed that these objections are now moot and should be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-8, 11, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,739,388, to Nakagawa, et al. ("Nakagawa"). Applicants respectfully traverse these rejections.

Claims 1-5, 7, 8, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,278,083, to Schwartz ("Schwartz"). Applicants respectfully traverse these rejections.

The Examiner contends that Nakagawa and Schwartz both individually disclose a vehicle temperature control system including a housing having an intake opening for air input upstream of a blower and output opening for output air, an evaporator core disposed in the housing, a heater core disposed in the housing downstream from the evaporator core in a generally

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side by side relationship, the second portion of the heater core being closer to the output opening than the first portion of the heater core and a separation wall or fixed air deflector having a first end and second end, the first end being attached to a first portion of the heater core and extending at least partially along the length of the heater core in the space between the evaporator core and the heater core.

Claim 1 has been amended to include additional elements. First, claim 1 has been amended to recite that the evaporator core has an input face and an output face. Furthermore, the output face of the evaporator core substantially faces the output face of the heater core.

Furthermore, claim 1 has been amended to recite that the length of the evaporator core defines a first plane and the length of the heater core defines a second plane and that the first plane is substantially parallel to the second plane.

Turning our attention to Nakagawa, it is first noted that the output face of the evaporator core does not substantially face the output face of the heater core. Furthermore, the planes defined by the evaporator core and the heater core are not substantially parallel. Similarly, output face of the evaporator core 16 of Schwartz does not substantially face the output face of the heater core 50. Also like Nakagawa, the planes defined by the evaporator core 16 and the heater core 50 are not substantially parallel.

Since not all of the elements in amended claim 1 are disclosed in the references, the rejection under 35 U.S.C. § 102 is improper and should be withdrawn.



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As to the remaining claims, these claims are all dependant on claim 1 and are therefore for at least the same reasons given above in support of claim 1. As such, allowance of these claims is respectfully requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date


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Attachments: None

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